

The formal record of the hearing is the audio tapes.
The Agents notes area attached to, and part of, the minutes folders in the Com.
Dev. office.

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, NOVEMBER 5, 2008
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
John Feener
William Febiger
Charles Anderson
Brandon Frontiero

MEMBERS ABSENT

Arthur Socolow
Ann Jo Jackson

STAFF PRESENT

Nancy Ryder, Conservation
Agent
Carol Gray, Recording Clerk

CONTINUATIONS FOR SHORT REVIEWS, 1-5 MINUTES MAXIMUM, REVIEW OF
AMENDED, UPDATED OR FINAL INFORMATION, STATUS REVIEWS, MINOR
AMENDMENTS, SIGNING DECISIONS, CLOSURE OF HEARINGS, ETC.

19 WINGAERSHEEK ROAD

The documents were resigned as this is a duplicate order for recording purposes.

PUBLIC COMMENT

Mr. Gulla informs the general public that this is time for anyone to speak on any Conservation issue that is not on the agenda for this evening.

He states that anyone wishing to speak re: Gloucester Crossing should please keep their comments to 2 minutes.

Ms. Valerie Nelson states that there are a host of issues re: Gloucester Crossing. She notes the OoC re: vernal pool impact and very serious violations re: the OoC. She notes that there are a range of issues with this matter.

Mr. Gulla recommends she put her statements in writing and submit them.

It was noted that National Grid was not involved with the work or design and had nothing to do with this violation.

The public comment period was closed.

MINUTES REVIEW

September 3, 2008

September 17, 2008: Mr. Feener notes a correction for the Minutes and it was noted by the recording clerk.

Mr. Gulla entertained a motion to table the Minutes for review to 11/19/08 7:05 PM.

MOTION: Mr. Feener moves to table the Minutes to the above date and time.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

Commission Meeting:

This is a discussion with Ms. Michele Harrison and GCC re: Gloucester Crossing.

The Agenda had this listed as a public hearing but it is not. No legal ads were posted as this is a follow up meeting to determine if action needs to be taken and to finish the discussion started at a previous meeting.

Michele Harrison is present and before the GCC, rep. Sam Park and Co.

Amy Green addresses the GCC and notes the Notice of Intent in regards to the vernal pool. Her comments are detailed and noted within the audio tape for this meeting.

Ms. Harrison states that the point Amy is trying to make is that it was clearly stated in the Nol that there would be some temporary impacts. Copies were given re: the work to be done in that area that would cause temporary impact.

Mr. Gulla inquires with Amy asking if what she is saying is that what occurred on site is what was in the Nol, with Amy stating, yes. Mr. Gulla states he would like to hear from Mr. Bill Manuell as to what occurred.

Mr. Manuell is the environmental monitor on behalf of the City of Gloucester and addresses the GCC stating weekly on site visits, review of the erosion control processes and upcoming work. He notes coming before the GCC in early September re: site controls. He notes the power lines on the plan as well as the tree line and vegetated speculation.

He states that he contacted Mr. Gulla re: protocols for tree clearing in vernal pool area. He attempted to contact Amy Green who was out of the office at the time.

He notes that no one seemed to have the protocol information re: tree clearing in a vernal pool area. He notes that on the following Monday, cutting had stopped at the edge of the wetland. They were asked not to cut within the wetland area. The buffer zone area had already been cut.

He notes that trees in the wetland were already cut and noted immediate mitigation re: restoring the fringe of the vegetated area. It was noted that with 3 ft. high trees, the GCC wanted 3 ft. on center and 2 to 3 ft. high, 2 ft. on center at the pool was done.

250 Buttonbushes were noted around the core of the vernal pool area, to be planted in the spring. The canopy around the pool on the school side remains in tact which is 30 to 50% of the vernal pool and on the eastern side, the canopy is essentially in tact as well. The tree canopy was removed on that side and the affects of this remain to be seen in the spring. This pool *****into June and will have to be evaluated in the spring.

Mr. Gulla notes that a red flag was raised re: this issue and if something occurs again we would like to be able to rectify it.

Mr. Manuell that the red flag was the notion of additional tree clearing at the vernal pool was not brought up until then. He notes the machinery used/red flag.

Mr. Gulla states that it was clear to Mr. Manuell if that was the intent of this and notes drawings in relation to what took place.

Mr. Manuell states that he thought this had already been discussed and that the protocol may have been overlooked.

Mr. Anderson believes that may be the case.

Mr. Manuell states that the limits of clearing were survey located and they cut to the limits of that.

Mr. Feener states that instead of clearing they could have removed 2 leaders.

He notes that he went back on Monday and asked them to stop and they kept on cutting.

Mr. Manuell states that in the last several days they have continued to cut.

He notes that they couldn't get the same height trees and noted that they asked for them to be 2 ft. apart already.

Mr. Gulla notes that a better communication system is needed, especially in regards to other vernal pool areas in the back.

Mr. Manuell states they need to be able to shut down the job, (going in person). In the future the site needs to be shut down properly.

Mr. Gulla inquired with Ms. Harrison as to anyone in place that she knows of that could be a go to person that can really get it shut down if needed.

Ms. Harrison states that she is happy to be that person as she can usually get in touch with the principle parties involved. She notes that when Mr. Manuell told them to stop, they did and just used hand equipment. The contractor felt that they could go in with hand tools and stop the use of machinery.

Ms. Ryder states that the minutes and the Order of Conditions will be resent to the Commission members.

Mr. Gulla asks the Agent for her opinion re: the drawings and what was done.

Ms. Ryder, Conservation Agent for the City of Gloucester states that the GCC had issues re: work to be done in the vernal pool. The final colored site plan showed that no work was to be done in that area as well as a video indicating no disturbance to be done to the vernal pool area.

Mr. Gulla states that they spent a considerable amount of time re: the vernal pool issue, and cannot believe provisions were not made.

The Agent states that re: the height issue, copies of information will be sent out to the GCC members. She notes the 3rd paragraph in the Statement of Reason re: the vernal pool and that it states that the vernal pool would not be impacted.

Mr. Gulla inquires as to a re-review, to table this or continue the matter to the next meeting. He inquires as to a possible site visit individually or in a group.

The Agent recommends setting a date and time for the site visit.

Mr. Gulla comments that if they assume there was a violation, other than the canopy, is there anything else, and has irreparable harm been done ?

Mr. Manuell states that it remains to be seen at this time.

Mr. Gulla asked if the same amount of damage was done to the existing as well as the new, with Mr. Manuell stating nothing was done in the old.

The Agent notes that something had to be done there, noting the tree canopy and the power lines.

Mr. Gulla, Mr. Anderson, Mr. Feener and Mr. Febiger along with the Agent will take a site visit on 11/16/08 at 9:00 AM. Mr. Gulla states that the applicant, by right, is allowed to not let anyone on the site.

Ms. Harrison states that access will not be denied.

Mr. Feener asks Mr. Manuell if he feels, in the future, as a Commission, being able to help in regards to any stop work issues.

Mr. Manuell states a small amount of sediment silt filtered through the curtain in one area. He notes that if he asks them to correct this it will be done.

He believes this was glitch in communication and they have had no problems after that.

Mr. Gulla asked if the site was stable now, with Mr. Manuell stating, yes.

The Agent states she was going to post a public meeting in the parking lot.

54 ROWLEY SHORE ROAD Map 141, lot 41

This is a Notice of Intent submitted by Frank & Ellen Previte, to raze and re-build a studio building in a buffer zone to coastal bank and BVW.

The applicant conducted work in violation of previous OoC 28-1545 and was informed that the violation relating to the open OoC would need to be resolved prior to consideration of new potential wetland impacts.

The Agent notes that a request was made to continue the matter to 11/19/08.

Mr. Gulla entertains a motion to continue the matter to 11/19/08 at 9:00 PM.

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

37 Niles Pond Road Map135, lot 2

This is a Notice of Intent submitted by Eastern point Retreat House, to re-construct 500' of existing stone revetment, re-grade the access road and install a vegetative buffer on a coastal bank.

Mr. David Smith, Eng. with Vine Associates is before the GCC representing the applicants.

He states that this is a 30 acre parcel with buildings and an access road.

He notes the one particular storm event that was considered the Patriots Day Storm.

He addresses this in relation to the north section of Braces Cove, the causeway damage, the front of the retreat house and the erosion of the bank as well as missing stones. On the west side, he notes 10 to 12 original large stones. He notes a 60 ft. area opposite the dining room, where stones have settled. He notes a 160 ft. area, opposite the kitchen and photo no. 4 showing the erosion conditions.

He states that the access road is a concern as well as any buildings being compromised in relation to any further potential erosion.

He notes having alternatives re: the seawall and the installation of manufactured blocks.

He states that this is cost prohibitive. He further notes that a significant amount of excavation would have to be done. A vegetative solution was not selected as they felt it would have a high potential for failure. The site is exposed to ocean waves and is a rocky inter-tidal area.

They also looked into dumping stones in the area but felt it would only be a temporary short term solution. He states that they chose the alternative that reconstructs the upper portion of the slope using bigger stones. They want to leave the imbedded toe stones. The stones will be 2 to 4 tons and in the 3 to 4 ft. range. They would work their way up the slope using fiber fabric and stone.

He notes that the vegetative buffer runs pretty much the length of the site.

He notes a meeting with the Agent, Dave Sargent and Jim Kaulkett and that it was out of the jurisdiction of Dave and Jim.

Mr. Smith notes that he walked the site with Dave and Jim and they all agreed that the re-grading of the road was an important and a positive issue. He notes the adding of a vegetative buffer to absorb any runoff.

He states that he and the Agent disagreed regarding this issue and as he wants to keep it uniform by doing the length of it.

He states that this is a previously armored bank and not natural. He considers a re-construction project.

Mr. Smith states in re: the construction process, they would be bringing in stone from south to north with a backhoe. An excavator or crane will be used as well as a front end loader for the stones. He notes doing this in the spring.

In regards to the resource area, it is work on a coastal bank. He notes it as above mean high water and the high tide line.

There will be no excavation if the contractor is not on site.

He notes comments from DEP and notes a bit of confusion.

Mr. Gulla notes pg. 4 and that it states the word none, in regards to work not being done in the buffer and asks if that is true as the word none is incorrect. With Mr. Smith stating yes. Mr. Gulla states that in one photograph it notes it as the only access road and asks if that is correct as well as asking if there is another road out there.

He notes a concern that the GCC cannot make an accurate decision if you say it is the only road, when it is not. We need larger documents re: the plans and photographs. Ms. Ryder states that she has no control over the submissions of an applicant. Ariel photos were reviewed by Mr. Gulla re: access. Mr. Anderson notes that it shows Niles Pond Road going all the way around. Mr. Smith states that it is not just an access issue but a safety issue as well. Mr. Febiger asked if they could explain the re-grading. Mr. Smith states that they want to level the road off from side to side with a dense mix and compact it down and not pave it. They want to bring up the east side. Mr. Feener states that it looks like bituminous pack on stone dust, so it is impervious. According to the pictures some of the runoff is coming down from the road. Mr. Febiger notes the 3 to 4 ft. stones that were mentioned previously and asks how many will be used. Mr. Smith states that anywhere from 50 to 75% will be supplemental stones. He states that he would have to do some math to figure out each block. Mr. Frontiero notes that wave energy has destroyed that rock wall and completely eroded the walkway. Mr. Smith states that it is a high energy site. Mr. Anderson suggests they continue to the matter so a site visit can be done. One condition to consider may be to draw up a management plan along with Niles Pond to keep the whole shoreline and to get an estimate of the stones to be used. The Agent states that she sees no reason why they can't re-route this. She suggests the GCC members drive through the site. She notes the DEP comments (check audio for all DEP comments noted). She states that this far exceeds any work re: a wall. She states that she does not believe in any shape or form that this project meets Performance Standards. Mr. Smith recommends they come by at low tide with the Agent stating high tide, at a storm at high tide would be great. November 16th 8:00 AM was the time agreed upon for the site visit. PUBLIC COMMENT: none/closed. Mr. Gulla entertains a motion to continue the matter to 12/3/08 7:30 PM MOTION: Mr. Febiger moves to continue the matter to the above date and time. SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

17 Holly Street Map 123, Lot 52

This is a Request for Determination submitted by Steve Pardee to remove and re-construct a foundation and construct an addition in a buffer zone. Mr. Pardee addresses the GCC stating this is a dwelling from the 1920's. He notes a pond on the property bordered with rocks with no wetland associated with the pond. He states that Leslie from the Comm. Dev. office, using a tape, noting the dwelling and came up with 90 ft. The property addition is at 87 ft. and as it comes towards the southwest, it falls outside the buffer zone. The majority of work is outside the buffer zone with one corner in the buffer zone. He notes tearing down the existing addition as it is stone on dirt and starting to collapse. He would be putting in a whole new kitchen. He notes that one end goes from 109 to 90. The Agent states that Leslie reviewed the narrative. Hay bales are not allowed. A planting plan needs to be submitted. Mr. Pardee notes that it is a shady area and difficult to grow grass. Mr. Febiger notes a proposed deck with Mr. Pardee stating yes a deck is proposed.

Mr. Febiger notes the deck being off the back of the new addition and asks if the tree is coming out with Mr. Pardee stating, no.

Mr. Febiger asks where the deck is in relation to the tree with Mr. Pardee stating that it is beside it.

Mr. Gulla notes the photos and asks if it is going to across the back of the house with Mr. Pardee stating, yes and that the tree is going to stay. The deck goes 7 ft. beyond the tree.

Mr. Feener asked what type of tree it is with Mr. Pardee stating, Maple.

Mr. Gulla states that in re: the mitigation plan, we may want to assume the tree may not survive. Something should be put in place in case the tree does not survive. A planting plan should be submitted that shows 2 more trees on the site.

He inquires as to a frost wall with Mr. Pardee stating yes.

Mr. Feener asks if it is a gravel yard or is one being put in with Mr. Pardee stating that it is already gravel.

Mr. Gulla notes to Mr. Pardee that he should do his best to protect the tree and to submit 2 trees on the plan.

Mr. Feener explains tree failure in relation the roots of the tree. He notes the tree as a Norwegian Maple and an invasive species. They should leave this tree alone and still list 2 trees on the planting plan to be submitted.

PUBLIC COMMENT: none/closed.

In conclusion it was noted that Mr. Pardee needs a planting plan, straw bales are to be eliminated, (with Mr. Pardee stating salt grass), the limit of work needs to be noted and to get the limit to 10 ft. to the corner.

Mr. Gulla entertains a motion for a negative determination (+2B/+5/-3).

MOTION: Mr. Anderson moves for a negative determination.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

The Agent notes that work cannot start until the planting plan is approved.

Bungalow Road and Bayberry Lane Map 257, lots 54, 61

This is a Notice of Intent submitted by the Davis Beach Association to perform beach maintenance, and to implement a beach management plan.

The Agent notes a last minute continuation regarding this matter.

Mr. Gulla entertains a motion to continue the matter to 12/03/08 at 7:30 PM

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

1 & 3 Chester Square Map122, lot 22 & 29

This is a Notice of Intent submitted by Sarah Perry, to repair a sea wall in Lobster Cove on a coastal bank.

Ms. Sarah Perry is before the GCC noting the collapse of the sea wall. She notes photos that were submitted pointing out three bulging areas in the wall. She states that excavation will be done behind the wall.

Ms. Ryder notes that more details regarding machinery are needed.

Ms. Perry states that the access through will be in front of No. 1 using a small backhoe to lift the stones.

Mr. Gulla inquired as to who was doing the work with Ms. Perry stating she got an estimate from Martin Ray.

Mr. Gulla recommended taking into consideration not just the wall and cove but her lawn as well. He explains to Ms. Perry what else is needed stating she needs to show the access in regards to where the trucks will go, stockpiling of materials needs to be

noted as well as the construction sequence and/or detailing the process. In regards to the water side of the wall; the contractor needs to understand where he can work and where he cannot work. A boom may be needed to trap debris.

The Agent states that during a storm, erosion and sediment can occur.

Mr. Gulla states that only certain sections can be done and when it is done it has to be in between tides. They could then forgo the boom.

The Agent states that in regards to a contractor bidding on this, it should be all spelled out what is to be done and how it is to be done.

Ms. Perry inquires as to the dry wall with Mr. Gulla stating it should stay dry.

The Agent states that they are awaiting pending statements from DMF, Shellfish and the Harbormaster.

Mr. Febiger inquires as to a fabric to be used behind the wall with Ms. Ryder stating that there is a proposed filter fabric behind the wall and should be noted in the construction sequence.

PUBLIC COMMENT: none/closed.

Mr. Gulla states that the GCC needs further documentation before they can further discuss this matter and would like to continue this to 12/03/08 at 7:30 PM.

He explains what is needed to the applicant, (as previously stated above) for the next meeting.

Mr. Gulla entertains a motion to continue the matter to the above date and time.

MOTION: Mr. Feener moves to continue

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

Gloucester Inner harbor, North Channel Map 53

This is a Notice of Intent submitted by the Harbormaster's office, City of Gloucester, to conduct maintenance and improvement dredging.

Mr. Carlos Pena, Engineer is before the GCC to discuss the plan.

He notes that this would provide dredging of the brooks from the HM's office and 2700 linear feet. Fifteen property owners are involved. He notes North elevation 20 and 51,000 cubic yards, 814 ft. ***** and 21,000 cubic yards, 6 to 8 inches of marine silt with clay underneath. He states that a pre-application plan is scheduled for January of 2008. He notes taking the Mass Bay disposal site. He notes a sampling plan in 11 locations which has been sent off for biology testing.

He states that they have notified all abutters and will contact National Grid regarding their concerns. He states that this is a linear project and not continuous drilling.

Mr. Febiger inquired as to the period of time the drilling will be done.

Mr. Pena states that dredging was done 1990, 1989, 1960, and 1937 but not in the particular locations re: this project. He notes a photograph showing a fishing boat, on its side, at low tide.

Mr. Feener notes pg. 3 of the Nol stating that the application notes booms. He notes mostly clay, additional monitoring and controls to be in place. He states that the extent of the dredging is one tide. For each particular dredging event: 75,000 yards, for 2 months, 24 hours a day, seven days a week. No dredging is to be done from February 15 to July 31 and starting in late October and done before Christmas.

The Agent notes that we have had no comments submitted as of yet from DMF, DEP and Shellfish.

Mr. Pena states that by December 3, 2008 we should have some comments back.

Mr. Feener asks if the project cannot be done in that one year, could they please notify the GCC, with Mr. Pena stating yes.

Mr. Anderson inquired as to what kind of dredging with Mr. Pena stated the use of a dredge bucket.

Mr. Frontiero inquired as to the dump site, with Mr. Pena stating the Mass Bay Disposal site is to be used.

Mr. Gulla states that if the GCC approves this, there is a restriction in the scope as to what you are doing being noted.

Mr. Gulla entertains a motion to continue the matter to 12/03/08 at 8:00 PM.

MOTION: Mr. Feener moves to continue the matter.

SECOND: Mr. Frontiero

The Agent states that the final extent of the dredging as well as the disposal of it needs to be finalized and if you have to go upland, which is a further consideration for the GCC.

VOTE: 5-0 all in favor.

34 Sleepy Hollow Road

Robert Swanson requests guidance from the GCC re: outdoor showers in a dune area.

Mr. Swanson is before the GCC and states he was before the GCC last year in regards to the construction of the showers and two thirds of the construction is done. The showers were in violation at that time.

Mr. Swanson notes 2 photos: one of the existing shower, and one of the new shower and notes the site plan as well showing the old and new showers.

He states that the Agent suggested he speak to the Plumbing Inspector.

He further states that if there are no soaps or chemicals used, it can be just runoff.

This is not enclosed and no soaps are to be used. The drainage is into the septic system. The septic is not sized for 2 showers. Venting is not a possibility and a drywall solution is costly.

He inquires with the GCC asking if rinsing off from a hose any different from showers? It does have hot and cold running water.

Mr. Gulla states that there is no municipal system so it drains into the septic.

He notes that the applicant stated no soaps but if you decide to sell the property then someone else new may use soaps not realizing it needs to be controlled as to how it affects the environment.

The applicant states that the intent of the shower is to rinse off.

While the plumber was at the location they put in the hot and cold water.

Mr. Feener inquires with the Commission asking if the applicant removed the hot water would they be in agreement with this with Mr. Anderson stating it would be less costly.

Mr. Feener asked the applicant if his septic system could handle one shower and not two. The applicant states he was told, either way it would have to be vented.

Mr. Gulla notes the options: a drywell, which he would rather not see, go to a cold water system, talk to the septic designer and inquire about one shower with hot and cold water and venting 1 ½ line with PVC into a wall.

He advises the applicant to look at his options. He notes that it seems the GCC is agreement in re: the hot water being an issue.

Mr. Swanson asks how he can show that he does not utilize the hot water with Mr. Feener stating that he can remove the valve and cap it.

The existing OoC would have to be amended to accommodate any changes.

Mr. Swanson states that he has a foot wash with hot and cold water and asks if he can keep that.

Mr. Gulla states that he would like to see the project without that.

Mr. Anderson notes that he would like to see this on the Deed. He notes that the letter doesn't go with the property but the Deed does.

Mr. Gulla states that the hot water has to go to make the GCC comfortable, or get one shower at the septic system.

Mr. Swanson notes that if it was pre-existing maybe he could keep one, that way there would be one cold. He inquires if the drywall is acceptable.

The Agent states that this is coastal dune and you would then be dealing with that.

She states that a violation letter was sent.

It was noted that the applicant will make a further submission with continuance date set as of yet.

RE-OPEN 81 Rocky Neck Avenue

This matter is on the agenda to re-open the filing and review new information.

The public hearing is scheduled for 11/19/08.

The Agent notes that this matter came in, in time for the meeting but too late to post a legal add for the public.

Ms. Alice Bolter is present and before the GCC stating the design in the plan is to rebuild the wharf. She notes the Nol and a site visit taken by Mr. Sargent, Mr. Caulkett and the Agent. They suggested a finger pier be used.

She states that she has addressed all the concerns re: the plan.

She notes 70 piles installed and the elevations have been recorded. She notes the footprint and states that they provided federal channel and existing moorings.

Mr. Gulla inquired as to elevation ***** as a new structure with Ms. Bolter stating, yes and she has photographs that she showed to the GCC.

Mr. Gulla asked if the existing pilings are to be removed with Ms. Viking Gustafson stating that they tore it all down. She states that the Engineer came out to the site and the rest of it had to come out.

Mr. Gulla inquired as to a pier extraction, with Ms. Gustafson stating no, and notes the photos.

Ms. Gustafson states that the information submitted was listed separate and on different pages and they were asked to consolidate it to one page of information.

Mr. Gulla discussed the pilings and the materials to be used.

Ms. Bolter noted that they looked at alternative pilings systems such as steel, greenheart and Pearson Plastic, which she notes an issue with splitting.

The Agent states that there is a lot of tidal flushing in this area.

Ms. Bolter states that this will not be a shellfish bed in the future.

Mr. Gulla notes that they should contact Mr. Sargent and Mr. Caulkett, making sure the documentation is received by the Community Development Office. Contact Vine Assoc. to see if they know of a form of coating or casing. He states that their may be something that they can suggest that would be more cost effective.

Mr. Gulla inquires as to a pile driver with Ms. Gustofson noting existing ledge and that they may be pinned to the ledge.

PUBLIC COMMENT: none/closed.

This matter was previously scheduled to 11/19/08.

Conservation Restriction (Mr. Maletskos)

This matter is on the agenda for a discussion and vote regarding a submitted Conservation Restriction.

Mr. Ed Becker from the Greenbelt Assoc. is present and before the GCC stating

this is a submission for endorsement. The parcel is about 50 acres on land owned by Mr. Maletskos. The City of Gloucester favored approval. After GCC review this goes to The City Counsel as well as the Mayor.

A submission to the state was noted as well.

This is a perpetual conservation restriction. Mr. Becker reviews a large photo with the GCC. The intent is to include 50 acres with the exception of 6 acres in relation to the quarry.

He states that this is important land, noting wildlife habitat, trails with public access and scenic areas.

Mr. Gulla and Ms. Ryder stated that they had no issues with this matter.

Mr. Febiger inquired as to the land to the north with Mr. Maletskos stating it is the Plum Cove Watershed, noting another tract to the O'Gormans. He states that the agreement was made after World War II noting large properties and a small house. He states he is following through with the original handshake.

Mr. Becker states that they need a form signed by the GCC to submit to the City Counsel.

Mr. Gulla recommends the endorsement of the Conservation restriction for the Maletskos property.

MOTION: Mr. Febiger moves for the above endorsement.

SECOND: Mr. Anderson VOTE: 5-0 all in favor.

The document was signed by all members present.

COLBURN STREET

Mr. David Santomena from the Essex County Greenbelt Association is before the GCC stating this as a 24 acre parcel with Mr. James Coleman as the owner. He notes a 4 acre portion of the property, bordered by an old road cart path, as well as 20 acres to the rear with a total of 24 acres. He notes this as having a substantial wetland. He notes the donation of Mr. Coleman which was submitted to the state. He was hoping for some comments from the state before he came before the GCC this evening but he has received nothing to date.

Mr. Anderson notes that there are only about 3 individuals in that dept. so they may not get to it real soon.

Mr. Febiger notes, six to eight years ago, this area as abutting a Tax Title property with berms referred to as watershed land now. The GCC put together information regarding this area from a conservation perspective, proposing conservation designation by the Gloucester Land Disposition Committee and notes the area providing access to Red Rocks and Lawrence Mt. Rd. and extending into the area via the old road cart path.

Mr. David Santomena would like the GCC to sign the Certificate form.

Mr. Gulla entertains a motion to endorse the Conservation Restriction for the Coleman property with a notification to the City Counsel.

MOTION: Mr. Anderson moves to endorse the above Conservation Restriction

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

132 COLES ISLAND ROAD, RDA

This matter is on the agenda to discuss a violation.

Douglas LaChance and Sandy Patrican are present and before the GCC.

Mr. LaChance addresses the GCC noting 2 zones stating that the upper section well.

They went to the lower section, where there are fairly large trees which he thought required pulling then taking them out with a machine and removed from that zone.

Mr. Feener saw too much clearing.

He notes a 60 ft. area where honeysuckle was cut. He inquires as to the question being, did he go too heavy on the cutting of the vegetation and did we open it up to erosion. He reiterates, asking did we cut too much and how do we solve this? We reduced the number of trees to 4 to 6. He notes 50% of the vegetation that supports the heavy vines. He took small diameter trees out (8) and the honeysuckle came from out of that area as well. He notes a piece of a path with no vegetation with woodchips on it. By the upland edge he left a 30 ft. buffer. He notes nothing was removed from zone B. He notes the use of an air spade to fluff up the area and 3 or 4 inches of soil is de-compacted and planting can be done in that area.

Another alternative would be to use the air spade, provide gypsum and rebuild the forest floor. The third alternative is to let the forest reclaim that particular area with the use of an air spade to mix it up.

The Agent states that the tree pruning was done well but the extent of the removal with the machinery is more than 15%, noting Condition #12.

Mr. Gulla inquires as to the three alternatives (inquiring with Mr. LaChance), because it is a violation or would he have done this anyway with Mr. LaChance stating that he probably would've replanted.

Mr. Patrican states that the machine is pretty environmentally friendly and the possibility of slippage in the tracks, from the machine creation the compaction.

Mr. Gulla states that our intent was to leave the canopy and things got wiped out.

We are telling you now to please contact in regards to the use of the machinery.

He states that they need to notify the Agent, and she will either give you the green light and we could take it from there and I will inform the Board or she will stop the process and confirm this with the GCC.

Mr. Feener notes the area directly behind the stonewall stating that it was not to be touched more than 15% from the wall towards the water. He notes that it will not stay compacted with woodchips. He states that leaving it would help supplementing it with mycorrhiza?

He asks when they can start Phase 2 as it was never approved; only Phase 1 was approved.

The Agent notes the need for follow up for Phase 1 before Phase 2. It needs to be signed off and approved before Phase 2 is to begin.

Mr. Feener states that the pruning, removal and documentation has been good but the debris and the mulch sock are the issues now. He further notes the deadfall removal and the compaction disturbance. Mitigation is needed.

Mr. Gulla states that the GCC is not approved the same approach that was used and states that if they think they have to remove the deadfall then they have to come back before the GCC.

Mr. Patrican states that minor things need to be done to finish Phase 1.

The Agent notes that two GCC members should go onsite to attest to Phase 1 being completed.

Mr. Gulla states that there is nothing to rescind at this point and if things are agreed to and we all understand, then we can move forward from here.

AGENT'S REPORT ON VIOLATIONS

10 ROSE LANE

The Agent notes that the float has been removed.

Mr. Gulla entertains a motion to rescind the violation.

MOTION: Mr. Feener

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

10:47 PM Mr. Anderson departs the meeting.

A Request for a Minor Amendment

35-37 ROCKY NECK AVE

The Agent reviews with the GCC members stating the OoC was ordered for the 2nd floor. She notes the lower level re: the pilings and supports. The construction is completely independent. They have proposed to capulate the triangle with concrete. She notes dense clay and states that they should not attempt to remove the soil, noting re-bars and wire mesh. She notes taking up the floor, digging by hand and reinforcing the spreaders.

The Agent notes that the Building Inspector had not issued and submitted a letter.

PUBLIC COMMENT: none/closed.

Mr. Gulla moves to approve the minor amendment with noted conditions.

MOTION: Mr. Feener moves to approve

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

57 FOLLY POINT ROAD - (minor amendment)

The Agent states that this matter is before the GCC for a minor amendment now but the work in the buffer has lessened. The house has been redesigned and is more compact. They pulled it back and out of the 100 ft. buffer zone. The slope was lessened by two retaining walls. She notes the high portion on the plan and states that this area is in regards to the GCC issues.

Mr. Jeff Klug is before the GCC and states that the new design has more fill than the original.

Ms. Ryder asks if this is a minor or major amendment, with Mr. Gulla stating that in this case he leans more towards it being a minor amendment. The jurisdictional area has less impervious than the old.

Mr. Klug states that the siltation fence location has not changed.

Ms. Ryder states that all original conditions in the original OoC's still apply. All previous conditions apply.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion to approve with aforesaid conditions and all previous orders still apply.

MOTION: Mr. Feener

SECOND: Mr. Frontiero VOTE: 4-0 all in favor.

Project Updates.

124R Magnolia - planting plan submittal.

80 High Street – The Agent notes that the project is complete on the exterior being mulched and seeded and notes photos and the final report. There is a Request to cease monitoring.

70 Holly Street - up-date on path location

Old Forge Whittemore Road

The Agent notes that all of the above matters are up for review.

LETTER PERMIT REQUESTS

1 PIRATES LANE

The Agent reviews with the GCC stating that she feels that the applicant may be using a disease to remove a tree (Australian Pine) that is obstructing their view.

They should first try to save the tree that is potentially infected.
A precedence should not be set regarding this particular issue.
Mr. Febiger notes that the tree is not dead but it is infected.
Mr. Feener states that if the tree was to be pruned it could last another 4 or 5 years.
They should remove the damaged limb and the portion of the infected tree.
Mr. Gulla entertains a motion to deny the removing of the tree but they can remove the hazardous broken and infected ends of the limbs.
MOTION: Mr. Frontiero moves to deny with the above stipulations.
SECOND: Mr. Febiger VOTE: 4-0 all in favor to deny.

546 WASHINGTON STREET

This request for a Letter Permit is in regards to the removal of 4 large trees overhanging a home.

Mr. Feener notes that two of the trees are Ash and the other two are Locust trees. The two lower trees are the Locust and happen to be in the line of the site. He states that he can see removing of them as it is in the line of the site. Mitigation should be involved as well. He states that Locust trees always have bulbous growth and cavities, whether diseased or not.

Mr. Gulla entertains a motion for the removal of the Ash with the other two requiring mitigation.

MOTION: Mr. Feener

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

25 NORWOOD HEIGHTS

This letter permit request is in regards to tree cutting in a buffer zone.

The Agent reviews with the GCC stating that this in regards to the removal of pussy willows with 2 to 1 mitigation. Further pruning of another pussy willow re: wires required proper ANSI pruning standards and if it is on the neighbor's property, talking with the neighbors may be required.

The Agent notes that the backyard on the property is very flat.

Mr. Gulla entertains a motion to approve with the above mentioned conditions.

MOTION: Mr. Febiger

SECOND: Mr. Frontiero VOTE: 4-0 all in favor

2 SALT ISLAND ROAD

This letter permit request is in regards to the removing and re-paving a parking area.

The Agent reviews with the GCC and notes massive disturbance re: the soils.

This exceeds what is allowable in a Letter Permit format.

It is in mid project and exposed and torn up. If the Letter Permit is denied, Good Harbor Beach could be affected. She notes the requirement of an RDA.

Mr. Gulla states that he would still want them to come in with an RDA but also wants this to be cleared up now.

The Agent notes that the alternative would require mitigation for the square footage.

The matter was tabled with a motion for a violation, until they come before the GCC.

Mr. Feener inquires as to whether or not they can ask what was trucked in and out.

MOTION: Mr. Frontiero moves to table the issue noting the violation.

SECOND: Mr. Feener VOTE: 4-0 all in favor.

8 VULCAN STREET

This is a Letter Permit request re: the repair and or replacement of a window, door, shingles and a gable end.

The Agent discussed this matter with the GCC noting that overstepping boundaries would be the case with just issuing this Letter Permit. She notes that it has happened multiple times. There is no authority as to how the regulations are implemented.

CERTIFICATE OF COMPLIANCE

142 WHEELER STREET

The Agent states that she has no issues with this matter.

This was reviewed by Leslie Nitkiewicz from the Office of the Conservation Commission

Mr. Gulla moves to approve the Certificate of Compliance.

MOTION: Mr. Febiger moves to approve

SECOND: Mr. Feener VOTE: 4-0 all in favor.

726R WASHINGTON STREET

This matter is on the agenda to re-check follow up photos against the pre-photos.

Mr. Gulla reviews the photo of the wall which is claimed to be existing.

The Agent notes that she is not seeing it in the photo.

All members present review the photo.

Mr. Gulla entertains a motion to approve the CoC.

MOTION: Mr. Feener

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

REQUEST FOR EXTENSION PERMIT

103 COLES ISLAND ROAD

Mr. Gulla entertains a motion to continue the matter to 11/19/08 at 7:05 PM.

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Feener VOTE: 4-0 all in favor.

Mr. Gulla entertains a motion to adjourn this meeting of the Gloucester Conservation Commission.

MOTION: Mr. Feener moves to adjourn

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

Meeting adjourned.

Respectfully submitted,

Carol A. Gray
Recording Clerk